
Z-2533
JOHN WEILBAKER
R1 to I3

STAFF REPORT
June 13, 2013

Staff Report
June 13, 2013

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, who is the owner with his wife, represented by Jason Ramsland of Ball Eggleston, is requesting rezoning of 0.483 acres, part of a larger, 2.015 acre tract, from R1 to I3. The property is located 365' east of Klondike Road, ½ mile south of US 52 W. The property is also known as 3131 Klondike Road, Wabash 2 (SW) 23-5.

Petitioner currently operates a heavy construction contracting business—R&W Contracting—on site (SIC 16). The request is the result of a zoning complaint and subsequent violation in spring 2012.

STAFF COMMENTS REGARDING CONTINUANCE:

According to web search results and verified by petitioner, the business is listed as an “excavation and wrecking” service located at 3131 Klondike Road; this use has never been permitted in the R1 zone. This rezoning request is a piecemeal reflex reaction to a complaint filed against the petitioner that led to a zoning violation. The complaint, dated March 1, 2012 described the property as “a graveyard for heavy equipment.”

Staff has been unable to pinpoint exactly when the business began on the site, though petitioner has lived on site since at least 1965, however historic aerials do not indicate any other structures on site until 1980 when the pole barn was built (Permit #03860). If petitioner could prove the business was established prior to 1965, the use might be considered legally non-conforming (grandfathered). It could continue to operate in the R1 zone as long as the use did not expand beyond what it was in 1965.

However, in addition to zoning problems, there are subdivision issues regarding the legality of petitioner's lots, challenges facing storing all of petitioner's equipment, providing parking, required setbacks and bufferyards on only 0.483 acres as well as questions of utilities and access.

Because there are so many unresolved issues that could impact the amount of land being rezoned, right-of-way, access, and compliance with the ordinance (or need for variances), staff cannot make an informed recommendation at this time.

STAFF RECOMMENDATION:

Continuance